

**STATE WATER RESOURCES CONTROL BOARD
BOARD HEARING SESSION – DIVISION OF WATER QUALITY
AUGUST 1, 2017**

ITEM 8

SUBJECT

PUBLIC HEARING - PART 3 OF THE WATER QUALITY CONTROL PLAN FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA—BACTERIA PROVISIONS AND A WATER QUALITY STANDARDS VARIANCE POLICY AND AN AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR OCEAN WATER FOR CALIFORNIA—BACTERIA PROVISIONS AND A WATER QUALITY STANDARDS VARIANCE POLICY

DISCUSSION

State Water Resources Control Board (State Water Board) staff is proposing Part 3 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays and Estuaries (ISWEBE) — Bacteria Provisions and a Water Quality Standards Variance Policy and to amend the Water Quality Control Plan for Ocean Waters of California (Ocean Plan)—Bacteria Provisions and a Water Quality Standards Variance Policy (hereafter Bacteria Provisions). The Bacteria Provisions include updated water quality objectives and provisions for bacteria to protect human health for the beneficial use of water contact recreation (REC-1). The Bacteria Provisions, if adopted, would apply to fresh, estuarine, and marine waters. The Bacteria Provisions include revised indicator organisms [*Escherichia coli* (*E. coli*) and enterococci], establish a risk protection level, and establish new bacteria water quality objectives for the protection of the REC-1 beneficial use. The Bacteria Provisions also includes elements appropriate for bacteria control implementation including reference beach and natural source exclusion approaches, high flow suspensions, seasonal suspensions, and a new beneficial use category with a definition of limited water contact recreation (LREC-1). In addition, the Bacteria Provisions identify an existing mechanism for adopting water quality standards variances (WQS Variance) for pollutants and waterbodies. The Bacteria Provisions will supersede the existing numeric water quality objectives in the Regional Water Quality Control Board (Regional Water Board) Water Quality Control Plans (Basin Plans) where a conflict exists.

The Bacteria Provisions are intended to protect human health by reducing the risk of illnesses associated with recreational exposure to water containing fecal bacteria. The Bacteria Provisions are based on more recent epidemiological studies and research, conducted locally and nationally, on the most appropriate bacterial indicators. In 2012 pursuant to Clean Water Act section 304(a), U.S. EPA issued new recreational water quality criteria recommendations for protecting human health in all coastal and non-coastal waters designated for primary contact recreation use.

From April through July of 2014, State Water Board staff held focused stakeholder group meetings with environmental organizations, southern and northern California stormwater agencies, county departments of public health, publicly owned treatment works, and water reuse agencies to receive early input on the scope of the project. Pursuant to the California Environmental Quality Act, the State Water Board staff held scoping meetings on

January 28, 2015 in Sacramento and on February 10, 2015 in Costa Mesa. A final scoping meeting was held on January 23, 2017 in Sacramento. Scoping comments were received and considered during development of the Bacteria Provisions.

Division of Water Quality staff prepared a [Draft Staff Report](#) including Substitute Environmental Documentation (hereafter Staff Report) to accompany the Bacteria Provisions. State Water Board Staff held a workshop on July 10, 2017, to receive input and comments on the Bacteria Provisions. The written public comment period for the Bacteria Provisions ends at 12:00 noon on August 16, 2017.

POLICY ISSUE

This is a hearing for the State Water Board to receive public comment on the [Bacteria Provisions](#) prior to the board's consideration of adoption, no final action will be taken today. The State Water Board will consider adoption of the Bacteria Provisions on December 5, 2017.

FISCAL IMPACT

As there will be no board action regarding the Bacteria Provisions during this hearing, there will be no fiscal impact at this time.

REGIONAL BOARD IMPACT

As there will be no board action regarding the Bacteria Provisions during this hearing, there will be no Regional Water Board impact at this time.

STAFF RECOMMENDATION

No staff recommendation is made at this time; the Board will receive public comment but not take any action at the hearing.

State Water Board action on this item will assist the Water Boards in reaching Goals 1 and 6 of the Strategic Plan Update: 2008-2012 to implement strategies to fully support the beneficial uses of listed water bodies by 2030 and to enhance consistency across the Water Boards.